

**DOE TEC Routing Topic Group Conference Call
Thursday, May 31, 2007 2:00 p.m.-3:30 p.m. EDT**

Conference Call Minutes

Chair: Jay Jones (RW)

Participants: **Melissa Bailey** (CSG-NE), **Jane Beetem** (MO Dept. of Natural Resources), **Kevin Blackwell** (DOT/FRA), **Barbara Byron** (CA Energy Commission), **Kurt Colborn** (MHF), **Sandy Covi** (UP), **Matt Dennis** (SNL), **Tony Dimond** (BLET), **Pat Edwards** (CSG/NE), **Scott Field** (WIEB), **Aubrey Godwin** (ARRA), **Ralph Hail** (Norfolk Southern), **Bob Halstead** (Nevada Agency For Nuclear Projects), **Lisa Janairo** (CSG-MW), **Vernon Jensen** (Winnebago Tribe of Nebraska), **Paul Johnson** (ORNL), **Marsha Keister** (INL), **Angela Kordyak** (DOE/General Counsel), **Mel Massaro** (DOT/FRA), **Ed Mueller** (Esmeralda County, Nevada), **Christina Nelson** (NCSL), **Scott Palmer** (BLET), **Cort Richardson** (CSG-NE), **Larry Stern** (CVSA), **Sarah Wochos** (CSG/MW)

Contractor Support: **Ralph Best** (BSC), **Randy Coppage** (BAH), **Michele Enders** (SAIC), **Lee Finewood** (BAH), **John Smegal** (Legin)

Summary:

The conference call began at 2:00 p.m. Eastern Standard Time on Thursday, May 31, 2007. The purpose of this call was to discuss the current focus for the topic group and to review the task plan changes that reflect this current focus. The task plan was e-mailed to the topic group members prior to this conference call.

Items Discussed:

Current Focus for Topic Group:

At the January 2007 TEC meeting in Atlanta, the topic group was tasked to determine routes by the end of this calendar year and beginning of the next calendar year. However, since the last TEC meeting, Ward Sproat and other DOE officials have decided that there is no urgent need to identify routes at this time. As a result, the topic group's task plan does not include any absolute dates. Jay Jones and his support staff have determined that the best approach would be to look at the criteria, methodology, and approach for determining the routes. Route identification would not take place until calendar year 2009 at the earliest.

Jay Jones stated that Ward Sproat requested that this route identification process be opened up to a national public audience via the Notice of Program Interest (NOPI) process. The NOPI will be developed internally within DOE and will tentatively be released later this calendar year. DOE intends to solicit comments via writing or e-mail. There are no public meetings being planned at this time.

Task Plan:

Jay stated that the task plan has been revised to reflect comments received from various topic group members. Jay opened up the call for topic group members to comment on the revised task plan.

Bob Halstead stated that the State of Nevada had made two general comments about the task plan. The first comment was that the task plan does not explain how the Routing Topic Group's work is or is not being coordinated with the routing analyses of the Draft EISs coming out in the September/October 2007 timeframe. The second comment was that the Routing Topic group's work needs to address the legal weight truck component of the mostly rail scenario as well as the rail component. Bob stated that he did not send Jay a marked up copy of the task plan.

Jay responded by saying he had talked with Jane Summerson. Jay and Jane agreed that all questions and comments concerning the Supplemental EIS and the Rail Alignment EIS should be directed to Jane Summerson. Bob asked if Jay's response means that this topic group is working independently from the EIS analyses. Jay responded that this topic group is not completely independent as future EIS supplements would reflect what the topic group identifies as routes. Bob stated that the October 13, 2006 Notice of Intent clearly promises a major transportation analysis. Bob commented that since Ward has changed his approach on identifying routes, then maybe the topic group should not continue any significant work until the Draft EISs are released. Jay responded that Jane's work on the representative routes in the EIS and the topic group's work on the national routes are separate for now but will eventually dovetail together.

Jay suggested the topic group should keep going forward on other activities that do not involve identifying routes. Cort Richardson commented that by conducting a linear approach to route identification and not looking at routes early on, there could be a serious disconnect. In addition, from what has been presented as the approach to the topic group thus far, it appears that the timeline will be further dragged out by looking at criteria, principles, etc. before actually looking at real life routing scenarios.

Ralph Best commented that the process needs to be iterative. As criteria, principles, methodology, etc. are established, they need to be tested against real routes to find out if they are feasible and make revisions as necessary. Jay further commented that the topic group needs to initiate this process and see how it progresses before making any final decisions on the process.

Scott Field commented that Task #3 "Develop an Approach/Methodology" in the task plan makes it sound like a methodology has already been decided. Scott stated that the topic group may decide that the best way to go is not to define criteria first. Lisa Janairo agreed with Scott. Lisa stated that the CSG-MW's task plan comments were resent to the topic group members showing that references to criteria were deleted recognizing that national criteria may not be the best approach.

The CSG-MW supports the position that criteria should be developed on a regional basis so that no region is subjected to criteria that is important to another region. In their task plan revisions, the CSG-MW folded in developing criteria throughout the route identification approach. Jay responded that until the task plan is finalized, the routing process is still being discussed with the program's stakeholders.

Cort asked how much political consideration/sensitivity is there regarding this process and are there certain political agendas, needs that the topic group might not be aware of regarding this process. Jay said he would not put any restrictions on the routes identified by the topic group. However, once the routes are released there could be reactions from governors, states, etc.

Mel Massaro reiterated that the Northeast developed a three leg system. The first two legs other than Class I railroads need to be looked at now before the next step in the process. This is due to infrastructure realities. Ralph Best commented that the routing principles are intended to be a higher level of standards or guidance for identifying routes. This may be what the Northeast used in their analysis.

Jay listed the Routing Principles as follows:

- Operations Safety
- Public Safety
- Radiological Safety
- Regulatory Compliance
- Security and Operational Flexibility
- Operations Efficiency
- Operational Utility
- Commercial Practicability

Ralph Best commented that these principles need to be reviewed by the topic group and determine what is meant by each of these principles and ultimately, reach a consensus among the topic group members. Jay will send the principles via e-mail to the topic group.

Bob Halstead stated that it is unrealistic to review the task plan separately without considering the NEPA EIS process currently taking place. Bob stated that there may be a major discussion of routes in the September/October timeframe when the Draft EISs are released. In order for the Draft EISs to properly identify the affected areas, routes will have to be identified as part of the NEPA process. Jay recommended that Bob talk directly with Jane Summerson who is in charge of the EISs. He noted that the NEPA EIS process allows for the public to comment and ask questions about the EIS.

Scott Field stated there is another underlying concern as there are three different routing processes: topic group routing process, NEPA EIS process, and the NOPI process. It is not clear how these different routing processes relate to one another and if there is duplication of work. Scott would like to have the work (task) plan address this relationship of the different routing processes. Jay responded that the topic group is conducting an independent analysis and the work that Jane Summerson is doing is a

supplement to the final EIS following the NEPA process. Eventually, these two analyses will dovetail. Jay is unsure if a NEPA analysis will need to be done once the routes are selected. The NOPI process is to allow the national public to understand the routing process and get their input on this process.

Bob stated that DOE should not underestimate the national routing discussions that may transpire when the EISs are released in mid October. This may overwhelm what is being planned now. Bob asked if there is a target date for the NOPI process. Jay responded that it was discussed with Ward Sproat as happening sometime between June and September.

Scott Field commented that it would be beneficial to everyone if what goes out in the NOPI and what comes in from the responses to the NOPI is somehow tied into what the topic group is trying to accomplish. Scott suggested that maybe the topic group can help write the NOPI and/or help respond to the public comments. Based on the 180(c) notice experience, Lisa Janairo commented that she doubts this topic group will have very much involvement with the NOPI process. Lisa sees the topic group as the stakeholders' opportunity to provide input and perspectives to DOE on the selection of routes. It is not inconsistent to proceed with the work that the topic group has planned at the same time DOE is developing the NOPI for the public. Jay asked if 180 (c) had done a NOPI. No one on the call thought there had been one for 180 (c). Bob Halstead commented that more lead time may be needed to address the HM-164 legal weight truck issue.

Jay continued the discussion by going over the activities in the task plan. Jay stated that based on today's discussion, the topic group is leaning towards focusing on the methodology first. The last two activities which are #6 Reviewing Analytical Tools and #7 Monitor Regulatory and Legislative Developments, will be kept in the task plan. Lee Finewood has been monitoring legislative rulemakings, specifically the DOT and TSA proposed rulemakings pertaining to hazardous and radioactive materials that were released last year.

Kevin Blackwell stated that TSA is pushing to have their rulemaking final by October 1, 2007, and DOT is also trying to have their final rulemaking by that date. Bob Halstead asked Kevin if anyone at FRA is responsible for doing a review of the comments that were submitted to FRA and TSA on HM-232E. Kevin responded that FRA was involved on the team but PHMSA has Congressional authority since DOT is the lead agency. The preamble in the final rulemaking will address the issues that were brought up in the comments received. This serves as the summary of the comments. Lee stated that all the comments have been posted on the DOT and TSA websites. AAR, city of Las Vegas, cities with large rail hubs, and various other municipalities have commented.

Jay commented that there were twenty seven factors/criteria listed in one of the proposed rulemakings very similar to the routing criteria that topic group had been looking at in the past. This list may be useful in the future as the topic group starts to develop methodology and criteria.

Lisa commented that the CSG-MW can accept the revised Task Plan with three exceptions. The CSG-MW would like the following changes to the Task Plan:

- Add a schedule with dates

- Remove the activity and product related to identifying routing criteria with the understanding that if the approach/methodology requires the topic group to identify criteria then it will be identified
- Under Objectives, change the wording "...safe, secure and efficient." to be "...safe, secure and merit public confidence."

Bob Halstead commented that he would like to see DOE provide answers to the questions the SRG's posed in their May 25, 2007 e-mail concerning the definition of a "suite of routes." Jay stated they will try to answer these questions before the TEC meeting in July.

Cort Richardson requested that Scott provide the notes on routing from the WIEB meeting. Judith and Alex had responded to questions on a suite of routes in that meeting. Scott will send the notes to Michele for e-mail distribution to the topic group.

July TEC Meeting:

Jay reviewed the July TEC meeting agenda. Ward Sproat and James Rispoli will give updates and overviews on the RW and EM programs. Plenary II will be an Intermodal Operations Panel. After lunch, there will be concurrent breakout sessions. One session is on upcoming EM shipment campaigns and the other session is on the OLM's National Transportation Plan. The second day will be topic group sessions. On Thursday, July 26, there will be an optional tour of the UP Rail Yard from 9 am until 12 noon.

Next Steps for Topic Group:

Cort Richardson asked Jay what the plans are for the topic group between now and the TEC meeting. Jay responded that he anticipates he and Ralph reviewing the Task Plan and making some revisions based on this discussion today. Bob Halstead requested that Jay wait to revise the task plan until next week when Bob can send in his comments.

Jay suggested that subgroups may be necessary to work on the different activities in the task plan. Scott commented that he thought it was decided at the Atlanta TEC meeting that this topic group was not going to do subgroups. Lisa stated that if the only way to reach a consensus on the definition of a "suite of routes" is to have a subgroup then Lisa would volunteer to lead that subgroup.

Lisa suggested that a conference call be scheduled in June to specifically address the definition of a suite of routes. Lisa will lead the call on June 21st at 10 am Central Time. Michele will send an e-mail to the topic group as a reminder of the call.

Scott asked if Jay would have answers to the SRGs questions by June 21st. Scott reiterated that it would be hard to discuss a definition for a suite of routes without some answers to these questions. Cort stated that the answers can be a draft version and do not have to be final answers. Anne Clark commented that some questions may be premature at this time and the topic group needs to do the best that they can with the information provided at this time. Anne Clark asked if the first question "How will the concept of a 'suite' address regional equity?" was answered earlier in the call discussion. Jay

responded that questions such as this need to be directed to Jane Summerson who is leading the NEPA EIS process.

Action Items:

1. Send Guiding Principles to topic group members via e-mail (Jay Jones will provide)
2. Post Guiding principles on TEC web site (request from Lisa Janairo)
3. Send the WIEB notes on the suite of routes definition discussion with Judith and Alex via e-mail to topic group (Scott Field will provide)
4. Answer the eight questions posed by the CSG-MW on OCRWM's concept of a suite of routes by the next telecon on June 21st (Jay Jones and Staff will provide)
5. Schedule the next Routing TG telecon for June 21 to discuss in more detail the suite of routes definition and the need for subgroups (Lisa Janairo will lead discussion).